

**ENTERED**

March 01, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

URBAN OAKS BUILDERS LLC, *et al.*,*Plaintiffs,*

v.

GEMINI INSURANCE COMPANY, *et al.*,*Defendants.*§  
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CIVIL ACTION NO. 4:19-CV-04211

**ORDER**

Before the Court is the Memorandum and Recommendation of the United States Magistrate Judge. (Doc. No. 313). Defendants Ironshore Specialty Insurance Company and Gemini Insurance Company have filed their objections to the Memorandum and Recommendation (Doc. Nos. 320, 321) to which Plaintiffs, Defendant Navigators Specialty Insurance Company, and Defendant Great American Assurance Company have responded. (Doc. Nos. 323, 324, 235).

Having considered *de novo* the entirety of the matters pertaining to the Memorandum and Recommendation (including the objections and responses), the Court hereby overrules the objections and with one exception adopts the Memorandum and Recommendation.<sup>1</sup>

Having adopted the Memorandum and Recommendation, the Court hereby:

1. Grants Plaintiffs' Motion for Partial Summary Judgment on the Duty to Defend Against Gemini (Doc. No. 230);
2. Grants Navigators' Motion for Summary Judgment against Gemini (Doc. No. 237);
3. Grants Great American's Motion for Summary Judgment against Gemini (Doc. No. 244);
4. Denies Gemini's Motion for Summary Judgment (Doc. No. 233);

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<sup>1</sup> The exception being that the Court finds the Navigators policies in question had limits of \$15 million for each event and \$15 million aggregate. This finding omits the \$15 million products-completed finding mentioned in the Memorandum and Recommendation.

5. Denies Ironhorse's Motion for Summary Judgment as to the number of occurrences and denies as moot Ironhorse's Motion as to the single occurrence limit (Doc. No. 241);
6. Denies as moot Plaintiffs' Motion for Partial Summary Judgment on the Duty to Defend and Limits as to Ironhorse, Navigators, and Great American (Doc. No. 231);
7. Denies as moot Navigators' Motion to Strike Ironhorse's evidence (Doc. No. 297); and
8. Denies without prejudice Plaintiffs' Motion to Exclude Expert Testimony for Nicolas Bradford (Doc. No. 221) and Plaintiffs' Motion to Exclude Expert Testimony of Christopher Martin (Doc. No. 222).

Finally, the Court orders the parties to file a joint status report within 30 days of this order, complete with a proposed scheduling order that, if adopted, would take this case through trial.

SIGNED at Houston, Texas this 28th day of February, 2022.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

Andrew S. Hanen  
United States District Judge